

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DOUGLAS WILLIAM SILK,

Plaintiff,

V.

MICHAEL J. ASTRUE, Commissioner of
the Social Security Administration.

Defendant.

CASE NO. 12-cv-05030-BHS-JRC

REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND

This matter has been referred to Magistrate Judge J. Richard Creaturea pursuant to 28

U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews*,

Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on

defendant's stipulated motion to remand the matter to the Commissioner for further

consideration. (ECF No. 22.)

After reviewing defen-

After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and reverse and remand this matter to the Commissioner.

1 On remand, based on the parties' stipulation, this Court recommends that the
2 Administrative Law Judge (hereinafter "ALJ") evaluate the psychological evaluation of Robert
3 Schneider, Ph.D. Furthermore, the ALJ on remand should evaluate the entire medical record,
4 any additional new medical evidence, plaintiff's impairments at steps two and three of the
5 sequential evaluation process, plaintiff's credibility, any lay witness evidence, plaintiff's residual
6 functional capacity, and steps four and five of the sequential evaluation process.

7 This Court further recommends that the ALJ take any other actions necessary to develop
8 the record. In addition, plaintiff should be afforded a *de novo* hearing and should be allowed to
9 submit additional evidence and arguments to the ALJ on remand.

10 Given the facts and the parties' stipulation, the Court recommends that the District Judge
11 immediately approve this Report and Recommendation and order that the case be **REVERSED**
12 and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

13 Dated this 23rd day of July, 2012.

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16 J. Richard Creatura
United States Magistrate Judge
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